

#23/PW
02.27.02
RECEIVED
FEB 25 2002
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Art Unit: 1652
YAMAMOTO et al.) Examiner: C. FRONDA
Serial No.: 09/435,770) Washington, D.C.
Field: November 8, 1999) January 31, 2002
For: NON-REDUCING SACCHARIDE-) Atty. Docket: YAMAMOTO=16A
FORMING ENZYME, TREHALOSE-)
RELEASING ENZYME, AND)
PROCESS FOR PRODUCING)
SACCHARIDES USING THE)
ENZYMES)

DECLARATION OF BIOLOGICAL MATERIAL DEPOSIT

Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

I, Ken HAYASHIBARA, hereby declare and state that:

RECEIVED
FEB 21 PM 2:55
TECH CENTER 1600/2900

1. The following biological material, referred to in the specification of this application, has been deposited and has received the following accession number by the depository:

Arthrobacter sp. S34
microorganism

FERM BP-6450
accession number

This microorganism was deposited on August 6, 1998, and the receipt in the case of an original deposit is attached as "Attachment A".

2. The date of the above deposit is:

(check appropriate item below)

- before the effective filing date of this application.
 after the effective filing date of this application and a verified statement

In re USSN 09/435,770
Declaration of Biological
Culture Deposit
Page 2

pursuant to 37 CFR 1.804(b) is attached

hereto, stating that the biological material which was deposited is a biological material specifically identified in the application as filed.

3. The name and address of the depository is:

Name: NATIONAL INSTITUTE OF BIOSCIENCE AND HUMAN-TECHNOLOGY AGENCY OF INDUSTRIAL SCIENCE AND TECHNOLOGY

Address: 1-3, Higashi, 1 chome, Tsukuba-shi, Ibaraki-ken 305, Japan

4. The biological material deposit is capable of self-replication, either directly or indirectly, and

(check appropriate item below)

 ✓

The deposit of the biological material described above was made and accepted under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (hereinafter Budapest Treaty) and therefore the filing of a viability statement is unnecessary (37 CFR 1.807(b)).

 ✓

A statement that the biological material deposited with the above named depository was viable and was capable of reproduction on the date of deposit is attached as "Attachment B". Such is executed by:

(complete a, b or c below)

- a. ✓ the depository
- b. the applicant
- c. a competent third party

In re USSN 09/435,770
Declaration of Biological
Culture Deposit
Page 3

5. With respect to the permanence of the biological material deposit:

(check appropriate item below)

- The depository is an official depository in accordance with the Budapest Treaty and the deposit of the biological material described above was made and accepted under the Budapest Treaty.
- The contract with the above-mentioned depository with respect to the deposited biological material provides that the depository will afford permanence of the deposit for at least 30 years and at least 5 years after the most recent request for the furnishing of a sample of the deposit was received by the depository.

6. With respect to availability of the biological material, I affirm that the deposit has been made under conditions that assure that (a) access to the deposit will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR 1.14 and 35 USC 122, and (b) subject to 37 CFR 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent.

7. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may

In re USSN 09/435,770
Declaration of Biological
Culture Deposit
Page 4

jeopardize the validity of the application or any patent issued thereon.

Ken HAYASHIBARA

Type name of person signing

January , 2002

Date



Signature

Inventor

Assignee of complete interest

Person authorized to sign on
behalf of one of the assignees

KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU KENKYUJO

Type name of depositor assignee

2-3, 1-chome, Shimoishii, Okayama-shi, Okayama, Japan

Address of depositor assignee

Representative (The President)

Title of person authorized to sign on
behalf of depositor assignee:



BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

下記国際寄託当局によって規則 7. 1 に従い
発行される。

原寄託についての受託証

issued pursuant to Rule 7. 1 by the INTERNATIONAL DEPOSITORY AUTHORITY identified at the bottom of this page.

氏名（名称） 株式会社 林原生物化学研究所
代表取締役社長 林原 健

殿

寄託者

あて名 岡山県岡山市下石井1丁目2番3号

1. 微生物の表示

(寄託者が付した識別のための表示)

アルスロバクター スピーシーズ (Arthrobacter sp.) S34

(受託番号)

FERM BP- 6450

2. 科学的性質及び分類学上の位置

1欄の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 10 年 8 月 6 日（原寄託日）に受領した1欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、 年 月 日（原寄託日）に1欄の微生物を受領した。
そして、 年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名 称： National Institute of Bioscience and Human-Technology
Agency of Industrial Science and Technology

所 長 大 管 信
Dr. Shinji Ochiai, Director-General

あて名： 日本国茨城県つくば市東北二丁目上野子（郵便番号 305-8566）
1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken
305-8566, JAPAN

平成10年(1998) 8月 6日

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page.

Applicant: 2-3, 1-chome, Shimoishii, Okayama-shi, Okayama 700-0907, Japan
KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU KENKYUJO
Representative President Ken Hayashibara, Esq.

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:

Arthrobacter sp. S34

Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:

FERM BP-6450

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

- a scientific description
 a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism
identified under I above, which was received on August 6, 1998.

IV. International Depository Authority

Name: NATIONAL INSTITUTE OF BIOSCIENCE AND HUMAN-TECHNOLOGY
AGENCY OF INDUSTRIAL SCIENCE AND TECHNOLOGY

Director: Dr. Shinichi Ohashi, Director-General

Address: 1-3, Higashi, 1 chome, Tsukuba-shi, Ibaraki-ken 305-8566, Japan

Date : August 6, 1998

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

[特許手続上の微生物の寄託の国際的承認
に関するブタベスト条約]

下記国際寄託当局によって規則 10. 2 に従い
発行される。

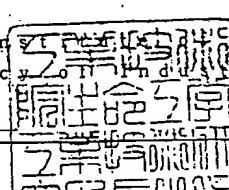
VIABILITY STATEMENT

issued pursuant to Rule 10. 2 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified on the following page.

生存に関する証明書

申請者 氏名（名称） 株式会社 林原生物化学研究所
代表取締役社長 林原 健
あて名 岡山県岡山市下石井1丁目2番3号

殿

1. 寄託者	2. 微生物の表示
氏名（名称） 株式会社 林原生物化学研究所 代表取締役社長 林原 健 あて名 岡山県岡山市下石井1丁目2番3号	受託番号： FERM-BP- 6450 受託の日： 平成 10 年 8 月 6 日
3. 生存試験の結果 2 樋の微生物の生存について 平成 10 年 8 月 31 日 に試験を実施した結果、当該微生物は、 <input checked="" type="checkbox"/> 生存していた。 <input type="checkbox"/> 生存していなかった。	
4. 生存試験に際して使用した条件（結果が否定的である場合のみ） <input type="checkbox"/> 微生物条件記録書の写し 1通	
5. 国際寄託当局 通商産業省工業技術院生命工学工業技術研究所 National Institute of Bioscience and Human-Technology Agency of Natural Industrial Science and Technology 所長 大箸 信一  あて名：日本国茨城県つくば市東1丁目1番3号（郵便番号 305-8566） 1-3, Higashi 1-chome Tsukuba-shi Ibaraki-ken 305-8566, JAPAN	
平成 10 年 (1998) 9 月 8 日	

(English Translation)
INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR
THE PURPOSES OF PATENT PROCEDURE
VIABILITY STATEMENT

issued pursuant to Rule 10.2 by the INTERNATIONAL
DEPOSITORY AUTHORITY identified on the following page.

Applicant: 2-3, 1-chome, Shimoishii, Okayama-shi, Okayama 700, Japan
KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU KENKYUJO
Representative Ken Hayashibara, Esq.

I. Depositor

2-3, 1 chome, Shimoishii, Okayama-shi, Okayama 700, Japan
KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU KENKYUJO
Representative President Ken Hayashibara, Esq,

II. Identification of microorganism

Accession number given by the International Depositary Authority: FERM BP-6450

Date of the deposition: August 6, 1998

III. Result of the viability test

The viability test of the above identified microorganism conducted on August 31, 1998
resulted to show that it was: (check appropriate item below)

- Viable
 Inactive

IV. Conditions used in the viability test (applicable only in the case of a negative result)

(check if applicable)

The conditions record of microorganism.....One copy

V. International Depositary Authority

Name: NATIONAL INSTITUTE OF BIOSCIENCE AND HUMAN-TECHNOLOGY
AGENCY OF INDUSTRIAL SCIENCE AND TECHNOLOGY

Director: Dr. Shinichi Ohashi, Director-General

Address: 1-3, Higashi, 1 chome, Tsukuba-shi, Ibaraki-ken 305-8566, Japan

Date : September 8, 1998